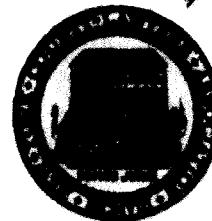


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For further information  
please communicate with:  
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New York, N.Y. 10007  
349-1390

May 3, 1974

Hon. Malcolm Wilson  
Executive Chamber  
Albany, N.Y. 12224

My dear Sir:

The Committee on the Criminal Court of the New York  
County Lawyers' Association has disapproved the  
following bill and believes that it should not become  
law:

A. 8359-A  
A. 8667-A

A copy of a report recommending disapproval is enclosed.

Very truly yours,

BENJAMIN LEVINE

Chairman, Committee on State Legislation

INTRODUCED BY ASSEMBLYMAN MANNIX  
INTRODUCED BY SENATORS PISANI, ACKERSON, GORDON,  
FLYNN, KNORR  
INTRODUCED BY ASSEMBLYMAN ROSS; Multi-sponsored by:  
ASSEMBLYMEN BROWN, HURLEY, LEVY, LOPRESTO, MANNIX,  
SUCHIN, VOLKER, ABRAMSON  
INTRODUCED BY SENATORS BARCLAY, PADAVAN

April 29, 1974

Report No. 184

A. 8359-A  
Same as S. 7685  
A. 8667-A  
Same as S. 9034

NEW YORK COUNTY LAWYERS' ASSOCIATION  
14 Vesey Street - New York 10007

Report of Committee on the Criminal Court on Assembly Bill 8359-A  
same as Senate Bill 7685, Assembly Bill 8667-A same as Senate Bill  
9034, which seek to amend Sections 265.00, 265.05, 265.10, 265.15  
of the Penal Law with regard to the possession of certain weapons.

RECOMMENDATION: DISAPPROVAL

Both of these bills seek to add "nunchakus" to the list of  
weapons the possession of which is proscribed by Article 265 of the  
Penal Law.

Both bills have been amended and recommitted by substitute  
bill in Assembly. The amendments, in both cases, removed from the  
proposed legislation the presumption, from mere possession, of an  
intent to use the proscribed device unlawfully against another. In  
place of this presumption, both bills now make unlawful the mere  
possession of nunchakus, without regard to the issue of unlawful  
intent.

While it is true that nonchakus, chuka sticks and like objects  
are capable of use in criminal conduct, it is the sense of this  
Committee that they are not properly included in the provisions of  
Article 265 of the Penal Law as proposed.

While the possession of these items with demonstrable criminal  
intent is a proper subject for legislation, the proposed legislation  
goes further, making mere possession (even absent criminal intent)  
a criminal offense. If it is the desire of the legislature to  
prohibit the use of nunchakus in criminal conduct, a more narrowly  
drawn statute can be fashioned to achieve this end.

Respectfully submitted,

COMMITTEE ON THE CRIMINAL COURT

Gregory J. Perrin, Chairman

Report prepared for  
the Committee by  
MR. ALAIN M. BOURGEOIS